

copy
Duane Marine
Dayco Corp.

4 November, 1985

Timothy D. Hoffman, Esquire
Corporate Attorney
Dayco Corporation
333 W. First Street
P.O. Box 1004
Dayton, Ohio 45401-1004

Re: Duane Marine Salvage Corporation Site, Perth Amboy, New Jersey

Dear Mr. Hoffman:

Thank you for your letter of October 23, 1985. I appreciate the trouble you have taken to supply me and Janet Feldstein with all the facts you have that are relevant to the question of involvement with the Duane Marine facility on the part of Electric Hose and Rubber Company and Dayco Corporation.

Enclosed you will find a photocopy of the single manifest from our files which links Electric Hose and Rubber with Duane Marine. The manifest identifies 13 55-gallon containers of waste (type: solvent, mixed) generated by Electric Hose and Rubber Company and transported to the Duane Marine facility by a Duane Marine employee, acting also as special waste hauler.

With this documentary evidence, I am writing to confirm what I told you when we spoke by telephone on the afternoon of October 29. That is, that EPA does possess information of sufficient weight to identify Electric Hose and Rubber as a potentially responsible party in the Duane Marine removal action, in its capacity as a generator of waste that was sent to Duane Marine for disposal. Owing to oversight on our part, the company was not named as a party to any of the three administrative orders issued in connection with the removal action.

Nevertheless, since we have the evidence of the manifest, and since we have tried to treat liable parties in an even-handed fashion, we need to advise you that we would include Dayco among responsible parties in any enforcement action we may take in the future with respect to other work which may be necessary at this site. It is therefore appropriate that Dayco has already contributed a share, calculated by the Duane Marine Steering Committee, to the removal action now in progress.

I am also enclosing a copy of the third, and last, order issued in connection with the site, Index No. II-CERCLA-50107. The order contains information upon which EPA based its decision to take action at the site, and a description of the action to be taken.

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I will send a copy of this letter to Mr. Lynch, of the Steering Committee, in order to confirm the existence of backup documentation for the appearance of the entry crediting Electric Hose and Rubber with 765 gallons on the waste-in list.

EPA does very well understand your concern about being labeled as a recalcitrant nonparticipant, if participation is warranted. It is EPA's position that the evidence we possess shows that participation on the part of Dayco is warranted, despite the fact that EPA inadvertently omitted Electric Hose and Rubber from the list of Respondents in the captions to the three administrative orders.

Thank you again for your informative letter, and for the good faith you have demonstrated by your tentative participation in the Committee's efforts, pending verification of documentation.

Sincerely,

Margaret Thompson
Assistant Regional Counsel
Superfund Branch
Office of Regional Counsel

Enclosures

cc: John F. Lynch, Jr., Duane Marine Steering Committee

bcc: Janet Feldstein, 2ERRD-SIC